IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

MFA.No. 1278 of 1993()

OPMV.149/1989 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THODUPUZHA
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APPELLANT - CLAIMANT:

ALIKUNJU, S/O. MOHAMMED, MAROTTICKAL HOUSE, THONDIKUZHA, THODUPUZHA.

BY ADV. SRI.S.ANANTHASUBRAMANIAN
SRI.PHILIP M.VARUGHESE
SRI.S.SHYAM
SRI.N.SUKUMARAN

RESPONDENTS - RESPONDENTS 2 & 3:
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1. **M.E. MOHAMMED, MARAVETTICKAL, MUTHALAKODAM P.O., THODUPUZHA.**

2. **ORIENTAL INSURANCE CO., BRANCH OFFICE, KOTHAMANGALAM.**

BY ADV. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 1278 OF 1993

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Dated this the 30th day of March, 2007

J U D G M E N T

The claimant in O.P(MV) No.149 of 1989 on the file of the Motor Accidents Claims Tribunal, Thodupuzha, is the appellant. Appeal is filed against that part of the award by which the Tribunal exonerated the insurer from making payment of the compensation awarded. It is admitted by the appellant that the owner of the vehicle is no more. It is also admitted that the vehicle is a passenger Jeep and petitioner was a gratitious passenger. So, the finding of the Tribunal that the insurer is not liable to pay the compensation awarded is confirmed. Hence the appeal is only to be dismissed.

In the result, the appeal is dismissed.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 1278 OF 1993

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J U D G M E N T

30TH MARCH, 2007